

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 * * *

9 ERIC LEON CHRISTIAN,

10 Plaintiff,

11 v.

12 UNITED STATES OF AMERICA et al.,

13 Defendants.

Case No. 2:16-cv-00319-MMD-VCF

TRANSFER ORDER

14
15 **I. DISCUSSION**

16 Plaintiff, a former prisoner of the Bureau of Prisons, has submitted an application
17 to proceed *in forma pauperis* for non-prisoners and a civil rights complaint pursuant to
18 42 U.S.C. § 1983. (Dkt. no. 3, 3-1.) Plaintiff sues Tracy Johns, the warden at FMC
19 Butner, and Dr. Zula, the head of psychiatric care at FMC Butner. (Dkt. no. 3-1 at 2.)
20 FMC Butner is a federal medical center located in Butner, North Carolina. Plaintiff
21 alleges that Defendants refused to release Plaintiff after he had served his maximum
22 sentence. (*Id.* at 2.) Both Tracy Johns and Dr. Zula appear to reside in North Carolina.
23 (*Id.*)

24 Pursuant to 28 U.S.C. § 1391(b), a plaintiff may bring an action in:

25 (1) a judicial district in which any defendant resides, if all defendants are
26 residents of the State in which the district is located; (2) a judicial district in
27 which a substantial part of the events or omissions giving rise to the claim
28 occurred, or a substantial part of property that is the subject of the action
is situated; or (3) if there is no district in which an action may otherwise be
brought as provided in this section, any judicial district in which any
defendant is subject to the court's personal jurisdiction with respect to
such action.

1 28 U.S.C. § 1391(b)(1)-(3). Pursuant to 28 U.S.C. § 1406, if a case has been filed in the
2 wrong district or division, the district court in which the case has been incorrectly filed
3 may “transfer such case to any district or division in which it could have been brought.”
4 28 U.S.C. § 1406(a).

5 The Court finds that the District of Nevada is not the appropriate venue for this
6 action because the events occurred in Butner, North Carolina and the defendants reside
7 in North Carolina. Butner is in the Eastern District of North Carolina, Western Division.
8 The Court directs the Clerk of the Court to transfer this action to the United States
9 District Court for the Eastern District of North Carolina, Western Division. This Court
10 offers no opinion on the merits of this action or on the application to proceed *in forma*
11 *pauperis*. The Clerk of the Court is directed to close the case in this Court.

12 **II. CONCLUSION**

13 For the foregoing reasons, it is ordered that the Clerk of the Court transfer this
14 case to the United States District Court for the Eastern District of North Carolina,
15 Western Division.

16 It is further ordered that the Clerk of the Court close the case in this Court.

17 DATED THIS 15th day of March 2016.

18 

19 MIRANDA M. DU
20 UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26
27
28